



DEPARTMENT OF THE NAVY  
OFFICE OF THE ASSISTANT SECRETARY  
RESEARCH, DEVELOPMENT AND ACQUISITION  
1000 NAVY PENTAGON  
WASHINGTON DC 20350-1000

JUL 26 2000

MEMORANDUM FOR DISTRIBUTION


Subj: CHANGE TO NAVY ACQUISITION PROCEDURES SUPPLEMENT (NAPS)  
PERTAINING TO FAR/DFARS PART 25/225 REWRITE, AND TECHNICAL  
AMENDMENTS

Encl: (1) NAPS Change #97-12

FAR Part 25 and DFARS Part 225 were recently rewritten in their entireties. The associated changes to NAPS Part 5225 are provided herewith. Additionally, a few administrative changes/corrections and technical amendments are also included in this change.

The changes identified in enclosure (1) are hereby incorporated into the August 1997 NAPS.

These changes are effective immediately, and will be reflected in the NAPS Online.

  
Paul P. Buonaccorsi  
Executive Director  
Acquisition and Business  
Management

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## **NAVY ACQUISITION PROCEDURES SUPPLEMENT CHANGE #97-12**

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The following changes are hereby incorporated into the August 1997 NAPS.

1. NAPS Section 5207.107 is added as follows:

### **PART 5207**

#### **ACQUISITION PLANNING**

##### **SUBPART 5207.1—ACQUISITION PLANS**

**5207.107 Additional requirements for acquisitions involving bundling of contract requirements.**

- (c) Requests for NAE determinations must be submitted through ABM.

2. NAPS 5216.306 is added as follows:

### **PART 5216**

#### **TYPES OF CONTRACTS**

##### **SUBPART 5216.3 COST REIMBURSEMENT CONTRACTS**

**5216.306 (DFARS 216.306) Cost-plus-fixed-fee contracts.**

(c) *Limitations.*

(ii)(B)(1) COMNAVFAC is delegated authority to approve cost-plus-fixed-fee contracts for environmental work only, provided the environmental work is not classified as construction, as defined by 10 U.S.C. 2801.

(2) Requests for approval of cost-plus-fixed-fee contracts requiring Secretary of Defense approval must be routed through COMNAVFAC and ABM.

3. NAPS 5217.171 is added as follows:

### **PART 5217**

#### **SPECIAL CONTRACTING METHODS**

##### **SUBPART 5217.1—MULTI-YEAR CONTRACTING**

**5217.171 (DFARS 217.171) Multiyear contracts for services.**

(a) *10 U.S.C. 2306(g).*

(3) HCAs are delegated the authority to make the determinations described in DFARS 217.171(a)(3).

4. NAPS Subpart 5223.1 is deleted, to reflect the FAC 97-15 removal of FAR Subpart 23.1. Additionally, NAPS 5223.405 is changed as follows:

**PART 5223**

**ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE  
WORKPLACE**

**SUBPART 5223.4 USE OF RECOVERED MATERIAL**

**5223.405 Solicitation provisions and contract clause**

(b) When using the clause at FAR 52.223-9, contracting officers shall insert the following address into paragraph (c) of the clause:

Commanding Officer  
Naval Facilities Engineering Service Center  
Code 424 CA, 1100 23rd Avenue  
Port Hueneme, CA 93043-4370

5. NAPS Subparts 5225.1 through 5225.4 are revised in their entireties to reflect the FAR Part 25 and DFARS Part 225 rewrites as follows:

**PART 5225**

**FOREIGN ACQUISITION**

**SUBPART 5225.1—BUY AMERICAN ACT—SUPPLIES**

**5225.103 Exceptions.**

(b) *Nonavailability.*

(2)(ii) Copies of determinations made under FAR 25.103(b)(2) that are submitted to the DAR Council must be submitted via ABM.

**5225.103 (DFARS 225.103) Exceptions.**

(b) *Nonavailability.*

(ii)(D) The HCA is the agency head's designee, without power of redesignation, to make and approve determinations for acquisitions estimated to exceed \$2 million.

**SUBPART 5225.2—BUY AMERICAN ACT—CONSTRUCTION MATERIALS**

**5225.202 (DFARS 225.202) Exceptions.**

(a)(1) *Impracticable or inconsistent with the public interest.* The Commander, NAVFACENGCOM is delegated authority to make this determination.

(2) *Nonavailability.* Authority to make nonavailability determinations which would otherwise require approval of the head of the agency is delegated to the Commander, NAVFACENGCOM.

**SUBPART 5225.4—TRADE AGREEMENTS**

**5225.401 (DFARS 225.401) Exceptions.**

(b)(i) Submit requests to USD(AT&L)DP through ABM in the form of a determination and findings.

(ii)(B) Submit a copy of the justification to USD(AT&L)DP through ABM.

**5225.403 (DFARS 225.403) Trade Agreements Act.**

(c)(iii) Submit requests for national interest waivers to the USD(AT&L)DP through ABM in the form of a determination and findings.

6. NAPS 5245.407 is added as follows:

**PART 5245**

**GOVERNMENT PROPERTY**

**SUBPART 5245.4—CONTRACTOR USE AND RENTAL OF GOVERNMENT PROPERTY**

**5245.407 (DFARS 245.407) Non-Government use of plant equipment.**

(a)(ii) HCAs are delegated approval authority. As noted at DFARS 245.407(a)(ii), any redelegation requires the approval of the Office of the Deputy Under Secretary of Defense (Industrial Affairs and Installations).

7. The following editorial changes/corrections are incorporated:

a. Change the references to "USD(A&T)" in NAPS Sections 5201.304, 5201.402, 5202.101, 5209.103, 5225.802 and 5235.006 to "USD(AT&L)."

b. NAPS 5216.505(b)(4) is renumbered to "(b)(5)" to reflect the FAR renumbering of FAC 97-17.

## **NAVY ACQUISITION PROCEDURES SUPPLEMENT CHANGE #97-12**

- c. NAPS Subpart 5225.3 is deleted.
  - d. NAPS 5236.271 is deleted.
  - e. The ABM address cited in NAPS 5245.505-14(c) (S-90) is corrected.
8. NAPS change pages are attached.